

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RZB FINANCE LLC,)
vs. Plaintiff,)
PYRAMID STONE MFG., INC. and 11) No. 07 C 6603
S. EISENHOWER, LLC,) Judge Milton I. Shadur
Defendants.) Magistrate Judge Susan E. Cox

DEFAULT JUDGMENT ORDER

This cause coming to be heard on plaintiff's Motion for Default, and this Court having been fully advised in the premises;

IT IS HEREBY ORDERED THAT:

- a. Pursuant to Fed.R.Civ.P. 54(b) and 55(b)(2), a final order of judgment by default is entered against Defendant Pyramid Stone, Mfg., Inc., on Counts I and III of Plaintiff's complaint in the amount of Two-Million Six-Hundred and Nine-Thousand, Three-Hundred and Forty-Four dollars and One cent (\$2,609,344.01), excluding Plaintiff's legal fees and expenses.
- b. Any proceeds of any disposition by plaintiff of any of the Collateral, as defined in the Loan Agreement (which is defined in Plaintiff's complaint), will be applied by Plaintiff to the payment of expenses incurred in connection with the disposition of the Collateral, including without limitation, reasonable expenses and attorney's fees, and any balance of such proceeds will be applied by Plaintiff to reduce the amount of the judgment granted in paragraph (a) of this Order.

c. As called for by Fed. R. Civ. P. 54(b), this Court expressly determines that there is no just reason for delay, so that the entry of a final, and enforceable and appealable, judgment as set forth in paragraph (a) is expressly directed. In accordance with Budinich v. Becton Dickinson and Co., 486 U.S. 196 (1988) and its progeny (*see, e.g., Ross Bros. Constr. Co. v. Int'l Steel Servs., Inc.*, 283 F.3d 867, 870-871 (7th Cir. 2002)), such finality is not affected by plaintiff's entitlement to an award of attorney's fees and expenses. This Court retains jurisdiction to enter such an award upon an appropriate submission by plaintiff.

ENTERED this 10th day of January, 2008



Judge Milton I. Shadur